

### REMARKS

Independent claims 1, 3-5, 11, 12, 19, 20, 22, 23, 26 and 27 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U. S. Patent No. 5,494,295 ("Potter"). Dependent claims 2, 6-10 and 13-18 have been rejected as allegedly obvious under 35 U.S.C. § 103(a) based on Potter in view of U. S. Patent No. 4,659,087 ("Shen") or U. S. Patent No. 5,328,189 ("Malek"). Claim 21 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Potter in view of U.S. Patent No. 5,810,354 ("Banyai") and claims 24 and 25 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Potter in view of U.S. Patent No. 5,863,042 ("Lo"). Furthermore, the drawings have been objected to under 37 C.F.R. 1.83(a). Applicant respectfully traverses these rejections.

### No Claims Are Anticipated Under 35 U.S.C. 102(b)

#### Claim 1

Applicant's invention is a game in which both the dealer and the player receive two hands. See Claim 1, lines 14-20. In order to win, the player's lowest hand must be lower than the dealer's lowest hand, and the player's highest hand must be higher than the dealer's highest hand. See claim 1, lines 21-24. Potter, in contrast, describes a game in which the dealer possesses two hands while each player possesses only one. The

player then bets whether his hand will be higher than the dealer's highest hand, or lower than the dealer's lowest hand. It is clear that the two games are fundamentally different. First, in Potter, the player receives only one hand, while in applicant's invention, the player receives two. Second, in Potter, the player chooses which of the dealer's hands to play against, while in applicant's invention, the player must defeat both the dealer's hands.

Because in Applicant's invention the player has two hands and must defeat both the dealer's hands, Potter is not anticipatory, and the rejection based on 35 U.S.C. §102(b) must be withdrawn. Furthermore, because the independent claim 1 is allowable, all claims depending from claim 1 are also allowable.

#### **Claim 22**

The rejection to independent claim 22 must also be withdrawn as the cited reference does not contain all elements of the applicant's invention.

The game apparatus disclosed by the application comprises a table with a central dealer area. At this dealer area, indicia are printed on the table surface designating a HIGH half-hand region and a LOW half-hand region. See Claim 22, paragraph c. This aids the players to quickly recognize which of the dealer's hands is designated the high hand and which is designated the low

hand. This improves the speed and ease of the game, as well as player enjoyment.

There are no such indicia taught by Potter. The only elements taught by Potter at the dealer area are a chip tray 20 and the collection slot 22. See column 3, lines 3-6.

Because the Applicant's invention contains elements not contained in Potter, the rejection based on 35 U.S.C. §102(b) must be withdrawn. Again, all claims depending from claim 22 are allowable because independent claim 22 is allowable.

**No Claims Are Obvious Under 35 U.S.C. 103(a)**

All rejections based on Potter in view of Shen, Banyai, Lo, and/or Malek must be withdrawn because the addition of these secondary references does not cure the deficiencies of Potter described above, nor are any of such references properly combinable with Potter. As previously demonstrated, the independent claims (claims 1 and 22) are allowable. The addition of the secondary references to the dependent claims does not remedy the above-described inadequacies of Potter.

Furthermore, the Shen, Banyai, Lo and Malek references are not properly combinable with Potter because Potter, as mentioned above, discloses a game in which the dealer receives two hands while the player receives one. The player must then choose which of the hands to play against. Shen and Lo disclose different games in which both the player and the dealer receive two hands.

Unlike the claimed invention, Shen discloses splitting four card hands into two "HIGH" groups and Lo discloses a games limited to hands of no less than four cards by virtue of the scoring method disclosed in Lo. There is no motivation to combine these dissimilar games. There is no suggestion in Potter that the player may have two hands. There is no suggestion in Potter to score using the high/low scoring method disclosed in the application. There is also no suggestion in Potter that the player must defeat both the hands of the dealer.

Potter further discloses a game primarily based on poker. Banyai discloses a modified poker game. Malek describes a combination 21 and baccarat game. These games are not combinable to produce the claimed high/low game of this application.

Finally, the level of ordinary skill in this art is low. The ordinary artisan is simply a card dealer or player, not a card game inventor. There is no suggestion for a dealer of the game disclosed by Potter, i.e. a game in which the player has only one hand, to combine that game with a game in which the player received two hands.

In sum, the secondary references all disclose games different from the claimed invention. Moreover, the addition of the secondary references does not cure the deficiencies of Potter. There is no suggestion to combine Potter and the

secondary references. The rejections based on 35 U.S.C. 103(a) must, therefore, be withdrawn.

37 C.F.R. 1.83(a)

The office action asserts that the drawings do not show every feature of the invention specified in the claims because the steps of the method are not shown in a flow chart. Figure 7 has been added to show the steps necessary to play the disclosed card game. The specification has been amended as set forth above to include the corresponding identification numbers. No new matter has been added to the application.

CONCLUSION

For all of the foregoing reasons, it is respectfully requested that the rejections set forth in the Office Action be withdrawn. Claims 1-27 are allowable over the art of record, and the application is submitted to be in condition for allowance. Favorable reconsideration of this application and a timely Notice of Allowance are respectfully requested.

Respectfully submitted,

By 

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